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The Daily Press

HONGKONG, MAY 16th, 1871.

The objection made by Judge BAIL to the alterations in the Summary Court Ordinance as it was originally proposed, ought scarcely to be raised without comment. Although the matter practically resolves itself into a personal question, it involves points of general interest, because likely to recur in any future reform of the same kind. The main objection taken by the Judge of the Summary Court to the Ordinance as originally framed, was that it would make three additional work upon him, it did not make any provision for an increase in his salary. Upon this, he wrote a letter of protest to the Colonial Secretary, and at the same time framed a draft which in his opinion was the most desirable for the Court. In consequence of this, the first draft made by the ATTORNEY-GENERAL was altered in such a way as to withdraw a portion, though not all, of the additional work which it was proposed should be laid upon the Court; and Judge BAIL after stating from his place in the Legislative Council the nature of his objections, contented himself with requesting that the documents in connection with it should be sent to the Colonial Office, and did not raise any further opposition to the Ordinance as framed by the ATTORNEY-GENERAL.

Without advocating that officials performing important duties should be underpaid, it may be considered that the sum of £1,500 per annum, which is the present salary of the Judge of the Summary Court, is a fair amount of remuneration for something more than cases of the kind which, at all events for the last two or three years, have formed the staple of the matters brought before that tribunal. The number of cases over a hundred dollars, which come forward, is extremely limited the bulk of the work, as the reports published from time to time show, consisting of trifling suits for five, ten, or twenty dollars, and being hardly in any way more important than the average run of County Court cases at home. It can be hardly, therefore, be held that, with a pension to follow on retirement, the amount paid to the Judge of the Summary Court is not such that, if necessary, something more than the work which has hitherto been performed in that Court should be expected from him. The Judge of the Summary Court, however, seemed to be under an impression that on principle it was right that an increase of salary should be a matter of course following an increase of work. We cannot help thinking that, in announcing this view, he was unconsciously giving utterance to a principle of action which has too frequently been followed in Hongkong, and which is now very generally recognized as an abuse in the administration of justice. The moment the duties of any individual become of the slightest importance, the idea is to increase the standing of his office and to raise his salary, although as has often been the case he has been overpaid and underworked before. Instances where this has been done are too familiar to the public to need re-stating. It is absurd that Government servants should be so much more sensitive on this point than other people. Men employed in general offices are usually content to adopt a liberal view in such matters, and so long as their work is not pressing and their remuneration fair for what work is done, to abstain from expecting their salaries to be greatly increased by their duties; and it would be satisfactory to see a little more of this spirit manifested by those in Government employ. This was clearly pointed out by the ATTORNEY-GENERAL, who noticed the inconvenience which would arise at home if, whenever a law bill was passed in Parliament, the Judges commenced asking for increases in their salaries.

The manner and the time in which the application was made were also somewhat ill-chosen. If there were grounds for asking for an increase, this might have been done with more fitness after the Ordinance had been passed, and the additional work which was anticipated had become an actual fact. To mix the question of the Judge's salary up with the passing of the Ordinance constituting the Court, was a very bad little unseemly. The principle that this inconvenience was increased by the fact that the Judge of the Summary Court sat in the Legislative Council as a non-official member. As such, he might be reasonably expected to look to the opinions of his colleagues upon any question of finance, and being an official, to be rather the more than the less disposed to yield to it. As Judge, his view on the question of salary might not unnaturally differ from that which he would entertain on the subject strictly in his capacity of member of the Council; and it was important to bear the distinction in mind.

Had the matter been left to the ordinary course of business, that is to say, the Ordinance as at first drafted by the ATTORNEY-GENERAL, passed with such modifications as were desirable on its merits, the question of salary would, when it came forward at a future date, have been of a very simple nature. All that would be required would be to ascertain whether the amount paid was or was not a fair remuneration for the work done. There is very seldom been any illiberality shown in this respect in Hongkong; but there was no reason to suppose such would be the case in the present instance. As the matter actually stands, we presume this will be the mode that will be adopted for the settlement of the question. If the Home Government prefer that Judge BAIL's draft be adopted instead of the Ordinance just passed, and if this entails extra work upon the Court, it will then be a question whether the remuneration existing is sufficient. The principle that an increase of work must necessarily be accompanied by an increase of salary is inadmissible, because it ignores the fact that it is possible a salary at a given moment may be higher than the duties of the particular official to whom it is paid really call for. While the public in Hongkong will no doubt be glad to see this question settled upon the most liberal

terms, it cannot be imagined they will be willing to see the Estimates swelled with an additional permanent charge, if it prove after all that even with the extra duties more is not demanded of the Judge of the Summary Court than is properly remunerated with the salary at present paid.

Complaints are frequently made with regard to the notices of the summary Court, from the Government in reference to claims for amounts for Police and Lighting Rates, which are overcharged. These sums are now collected in advance upon empty as well as tenanted houses, and in consequence, if an overcharge is made, the money is irretrievably lost, should the Landlord or Agent object to appeal within ten days after the expiration of each quarter. Although notice is given in the Gazette of the time the Rates are due, nothing is said as to the period allowed for appeal; and it is very reasonably felt that this should be done, not only in the Gazette, but also in the local papers—seeing that non-compliance with the rules may lead to serious loss. It is to be hoped that this reasonable plan will in future be adopted in Hongkong. The time allowed by the ordinance for appeal is very short, and the circumstances extremely likely to be overlooked, unless due attention be called to it.

By the statement of Mr. ALPHEUS, we note the arrival of Mr. Frederick J. BARNARD, Barrister at Law, who, it is understood, intends again practicing in the Colony.

The Band of H. M. 75th Sutherlandshire Regiment will perform in the Public Gardens at 6.30 p.m. The following is the programme:

March. "The Name of the Rose." Overture. "The Name of the Rose." Overture. "The Name of the Rose." Overture.

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SUPREME COURT.

May 15th.
Ex parte THE HONGKONG AND SHANGHAI BANKING CO. LTD.
Re K. K. A. A. A.

This was Mr. FRANCIS's motion to discharge the prisoner on the new writ of Habeas Corpus. The Attorney-General also had a motion to quash the writ.

His Lordship said at 11 a.m. The Chief Justice said he had appointed the day to hear Mr. FRANCIS's motion, which would therefore take place on the 15th inst.

The Attorney-General—Does your Lordship refuse to hear me?

The Chief Justice—No, on the ground that you have given no notice.

The Attorney-General said he had given notice to the other side and that the Judge's decision was that not only could he not be heard first, but if his Lordship refused, he had not another word to say.

The Chief Justice—I do not remember that. I am not going to have the regular course of justice put aside.

His Lordship then noted his refusal and the grounds of it, after which the Attorney-General said he did not see fit to the statement that no notice had been filed until after office hours.

The Chief Justice—What is there erroneous in that statement?

The Attorney-General—That the notice was filed after office hours.

The Chief Justice—I have not said any thing about the hour.

The Registrar was then consulted, and stated that the notice had been filed in proper time.

The Attorney-General said in that case everything that had been done was correct.

The Chief Justice—Is that piece of paper correct? It is not addressed to anybody.

The Attorney-General—It is addressed to your Lordship, and it is addressed to your Lordship.

The Chief Justice—That is not the point. The object might be taken by counsel on the other side.

The Chief Justice—And Mr. Sharp says the hearing of this motion does not go on at 10 o'clock.

The Attorney-General—Or so soon after as convenient to the Court.

After some time Mr. FRANCIS's motion was proceeded with. The return to the habeas was read, embodying the magistrate's warrant of commitment for trial on a charge of felony.

The Attorney-General said he wished to draw the attention of the Court to the fact that the case against the prisoner was a charge of felony.

Further, the prisoner was in the position of a man against whom a charge of felony had been made, and he was committed for trial on a charge of felony.

The Chief Justice—What is the charge of felony? It is a charge of felony.

Mr. FRANCIS said he moved for the prisoner's discharge on the return. The writ was issued under the common law. There was no doubt of the power of the Court to bring a prisoner before it to bail him.

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case if the case went to trial no question could then be possibly raised as to the legality of the process. If the Lordship now discharged the prisoner, it would be competent to the Attorney-General to apply for a Bench warrant, and the Court would not entertain an application for a second arrest while discharging the first.

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